

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

MIKE BENAVIDEZ,  
a/k/a Mike Benevidez,<sup>1</sup>  
Petitioner,

VS.

REBECCA TAMEZ, Warden,  
FMC-Fort Worth,  
Respondent.

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CIVIL ACTION NO.4:07-CV-424-Y

ORDER ADOPTING  
MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS  
(With special instructions to the clerk of Court)

In this action brought by petitioner Mike Benavidez under 28 U.S.C. § 2241, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 15, 2007; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 31, 2007.

The Court, after **de novo** review, concludes that Petitioner's objections must be overruled, and that the petition for writ of habeas corpus under 28 U.S.C. § 2241 should be dismissed for lack of jurisdiction, for the reasons stated in the magistrate judge's findings and conclusions.


Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

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<sup>1</sup>The spelling of Petitioner's last name in his criminal proceedings, *United States v. Benevidez*, NO.4:91-CR-226-ACM-1 (D. Ariz. July 20, 1993, Judgment), and within the Bureau of Prisons for register number 31791-008 is "Benevidez." Thus, the clerk of Court is directed to add this additional identification to the docket of this case.

The petition for writ of habeas corpus under 28 U.S.C. § 2241  
is DISMISSED for lack of jurisdiction.

SIGNED September 5, 2007.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE